

EXHIBIT P

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NESTLE PURINA PETCARE COMPANY,)
)
Plaintiff,)
)
v.)
) No 4:14-CV-859 RWS
BLUE BUFFALO COMPANY, LTD.,)
)
Defendant.)

MOTION HEARING
BEFORE THE HONORABLE RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE
OCTOBER 22, 2014

APPEARANCES:

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(Appearances continued on Page 2)

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1 Your Honor, in our view, are far too slim of a read on which
2 to hang discovery that potentially dwarfs anything about
3 by-product meal because they want every document at the
4 company about every ingredient.

5 MR. ASSMUS: Two things, Your Honor. With respect to
6 the LifeSource bits, the LifeSource bits claims are pervasive
7 in Blue Buffalo's advertising. All their dry dog food has
8 these LifeSource bits. And so what we're asking for, based on
9 the claims that we're challenging with respect to the
10 LifeSource bits, is to know what they want their co-packers to
11 put in those LifeSource bits so that we can assess their
12 nutritional content.

13 They claim those LifeSource bits give superior
14 nutrition. They claim those LifeSource bits have certain
15 levels of vitamins and minerals, and they further claim that
16 that leads to health benefits for pets.

17 THE COURT: He told you they're going to provide you
18 the nutrition panel -- or what the exact word was -- for
19 LifeSource bits.

20 MR. MANGI: Yes, Your Honor. It's the nutrient
21 profile. And that's the language we've used from the start in
22 the general objection that's at issue here.

23 THE COURT: I'm condemning me and you to getting
24 together on a frequent basis, but they're going to produce
25 that information, and you'll see what we have.

1 Likewise, as I was listening, the more persuasive
2 thing to me was you've alleged that there's preservatives, and
3 you identify the chicken by-product meal as the source of
4 those preservatives, and so we're going to limit the scope of
5 that "ask" to the pleadings in the -- as pled.

6 If you have other information, I mean -- just by
7 doing that, you can't open up the whole world by saying there
8 might be preservatives somewhere else. I mean, one of the
9 hard parts is the Twombly and Iqbal issue, and I -- but we're
10 just not going to go from zero to a hundred miles an hour.
11 We're going to see where it takes us. And we're going to take
12 it in phases. If it explodes on us, it explodes on us. If
13 it's contained, it stays contained. But this case has the
14 potential to spiral out of control if we don't take it in
15 stages and steps.

16 That means we get to get together more often than
17 most cases, but that's what we're going to do, and we'll see
18 where we are. So granted in part and denied in part --

19 MR. ASSMUS: Thank you, Your Honor.

20 THE COURT: -- based on the focus on the chicken
21 by-product meal.

22 What else do we need to talk about today? We have
23 some issues we can't reach because we are missing a lawyer,
24 right?

25 MR. ZALESIN: Yes, Your Honor. We agreed, the